

U.S. Forest Service Inventoried Roadless Areas

State Petition Process

Arizona Game and Fish Department

State of Arizona

Roadless Areas - Historical Context

- 1964 - Wilderness Act passed by Congress designating 54 wilderness areas (9.1 million acres).
- 1972 - Consistent with Act, USFS initiates “Roadless Area Review and Evaluation” (RARE) of 56 million acres nationwide.
 - >5,000 acres of roadless areas.
 - 274 areas on 12.3 million acres recommended for further analysis.
- 1977-1979 - RARE II completed on 62 million acres nationwide.
 - 15 million acres recommended for wilderness designation.
 - 36 million acres allocated to non-wilderness uses.
 - 11 million acres recommended for further study.
- 1999 - USFS initiates national review of means to conserve remaining roadless areas (a.k.a. Roadless Area Conservation Rule).

2001 Inventoried Roadless Area (IRA) Conservation Rule

- The January 12, 2001 Roadless Area Conservation Rule changed the Forest Service's longstanding approach to management of inventoried roadless areas (IRAs).
- The rule established blanket, nationwide prohibitions that generally limited, with some exceptions, timber harvest and road construction and reconstruction within IRAs.
- These nationally applied prohibitions superceded management prescriptions for IRAs in individual forest land management plans (LMP).
- Did not require subsequent LMP amendments or revisions.
- Did not consider changes in management direction on the landscape caused by natural occurrences—like catastrophic wildfire.
- Did not consider/address local issues and concerns.

There were also Economic Considerations

- Forest Service has an \$8.4 billion backlog of road maintenance and reconstruction nationally.
- \$190.7 million cumulative road maintenance backlog on NFS roads within Arizona.
- Of the 28,720 miles of roads on Arizona's national forests, only 3,025 miles receive annual maintenance.
- Less than 20 percent of the road maintenance costs are funded annually.

IRA Management

- Following the 2001 rule, Forest Service issued interim directive.
- Delegates certain decision-making authority to USFS chief and regional forester.
- Remains in effect until land management plan (LMP) revisions are completed.

Rule Exceptions - Road Construction

The Roadless Area Conservation Rule prohibits new road construction and reconstruction in inventoried roadless areas, **except**:

1. To protect health and safety in cases of an imminent threat.
2. To conduct environmental clean up required by federal law.
3. To allow for reserved or outstanding rights provided for by statute or treaty.
4. To prevent irreparable resource damage by an existing road.
5. To rectify existing hazardous road conditions.
6. Where a road is part of a Federal Aid Highway project.
7. Where a road is needed in conjunction with the continuation, extension, or renewal of a mineral lease on lands that are under lease, or for new leases issued immediately upon expiration of an existing lease.

Rule Exceptions - Timber Harvest

The rule prohibits the cutting, sale, and removal of timber in inventoried roadless areas, except:

1. For the cutting, sale, or removal of generally small diameter trees which maintains or improves roadless characteristics and:
 - To improve habitat for threatened, endangered, proposed, or sensitive species, or
 - To maintain or restore ecosystem composition and structure, such as reducing the risk of uncharacteristic wildfire effects.
2. When incidental to the accomplishment of a management activity not otherwise prohibited by this rule.
3. For administrative uses.
4. Where roadless characteristics have been substantially altered in a portion of an IRA due to the construction of a classified road and subsequent timber harvest occurring after the area was designated as an IRA.

Existing Uses

The Rule does not affect:

1. Any existing rights of access (e.g., mining and grazing).
2. Access anticipated through development of ski area master plans.
3. Existing public access for hunting and fishing.
4. Existing authorized access for off-road vehicles.

Legal Controversy over the Rule

- Since 2001, the rule has been the subject of nine lawsuits in federal district courts in Idaho, Utah, North Dakota, Wyoming, Alaska, and the District of Columbia.
- On July 14, 2003, the U.S. District Court for the District of Wyoming issued a “permanent injunction” and set aside the roadless rule.
 - The court found that the roadless rule was promulgated in a manner that was illegal, both procedurally and substantively, and ruled on NEPA and Wilderness Act violations.
- The District Court’s decision has been appealed to the U.S. Court of Appeals for the Tenth Circuit.

Future for the 2001 Rule?

- There remains significant uncertainty concerning the implementation of the 2001 rule as legal proceedings are ongoing and the ultimate outcome is far from certain.
- Since RARE II was completed, there have been seven Presidents and six chiefs of the Forest Service.
- Will states have the opportunity to provide meaningful input on the future management of IRAs?

REVISED RULE- State Petitions

- The Department of Agriculture concluded that revising the rule is a solution to address the challenges of roadless area management (and litigation).
- Final revised rule published on May 13, 2005.

Petition Requirements

- Allows the governor of each state the opportunity to submit a petition for individual rule-making for state-specific management of IRAs.
- 18-month deadline (November 2006).
- Requires public and local government involvement and comment.
- If the Secretary of Agriculture accepts the petition, USFS will be directed to initiate rulemaking notice.

State Petition Process Rule Elements

- If accepted by the Secretary of Agriculture, the Forest Service shall be directed to initiate state-specific rulemaking.
- Rulemaking will be developed in coordination with the state.
- Advisory committee established to provide advice and recommendations to the Secretary.
- The Secretary or designee shall make the final decision on a state-specific rule.

State Petition Contents

- Location and description of the IRAs.
- Management requirements recommended.
- Circumstances and needs intended to be addressed. For example:
 - Conserve roadless area values.
 - Address human health and safety.
 - Reduce hazardous fuels.
 - Restore essential fish and wildlife habitats.

State Petition Contents

- How do these recommendations differ from existing forest plans and policies?
- How do recommendations compare to state and local plans (CWPPs, etc.)?
- How would recommendations affect fish and wildlife and their habitats?
- A description of the public involvement process.
- Agreement by the state to participate as a cooperating agency in any environmental analysis for a state-specific rulemaking.

Potential Options for Petition

1. IRA-by-IRA Approach

- petition would indicate specific boundaries, standards and guidelines, types of activities allowed or prohibited with explanation.
- actual land allocation (includes restrictions).
- high level of detail and analysis.

Potential Options for Petition

2. Similar Approach to 2001 IRA Rule

- develop specific set of restrictions with limited exceptions for all IRAs.
- can be more or less restrictive than 2001 rule.
- can limit agency authority to modify restrictions or exceptions.
- actual land allocation (includes restrictions).
- moderate level of analysis.

Potential Options for Petition

3. Procedures for Management inside IRAs

- identify goals and outcomes, expected types of uses, and decision authority for such uses.
- focuses on processes for making decisions--not automatic restrictions.
- level of analysis dictated (Catex vs. EIS).
- analysis completed at project level.

Potential Options for Petition

4. Forest LMP Revision Process

- indicate how the state would be involved in forest plan revision/decision process.
- establish IRA direction as part of an existing process.
- low level of analysis.

Potential Options for Petition

5. Existing Forest Plan Direction (2001 Rule)

- use existing Forest Service interim directive.
- no petition necessary.

IRA Statistics

	Total Acres	Roadless Acres	% of USFS lands
USFS Nationwide	192,300,000	58,518,000	31%
USFS Southwest Region	20,582,000	2,771,000	13%
Arizona	9,327,000	1,174,000	10%

Litigation Continues

- In 2005, the Attorneys General of CA and NM, Governor of Oregon and the State of WA filed suit challenging the 2005 revised rule seeking reinstatement of the 2001 rule.
- 20 conservation groups also filed similar lawsuits requesting reinstatement of the 2001 rule.

Petitions Submitted to Date

- State of Virginia – Dec. 22, 2005.
- State of South Carolina - March 9, 2006.
- State of North Carolina - April 19, 2006.

(All petitions support 2001 rule provisions)

- State of New Mexico - in progress.
- State of Idaho - in progress.

Arizona Public Meeting Schedule

- Wednesday, July 5 - Safford** @ Graham County General Service Building
- Thursday, July 6 - Tucson** @ Arizona Game and Fish Department Tucson Regional Office
- Monday, July 10 - Phoenix** @ Arizona State Fairgrounds Wildlife Building
- Tuesday, July 11 - Mesa** @ Arizona Game and Fish Department Mesa Regional Office
- Wednesday, July 12 - Payson** @ Payson Inn Conference Room
- Thursday, July 13 - Globe** @ Gila County Fairgrounds
- Tuesday, July 18 - Kingman** @ Arizona Game and Fish Department Kingman Regional Office
- Thursday, July 20 - Prescott** @ Yavapai Board of Supervisors Office
- Tuesday, July 25 - Springerville-Eagar** @ Eagar Town Council Chambers
- Wednesday, July 26 - Pinetop** @ Arizona Game and Fish Department Pinetop Regional Office
- Tuesday, Aug. 8 - Flagstaff** @ Radisson Woodlands Hotel
- Wednesday, Aug. 9 - Fredonia** @ Fredonia Courthouse Building

-Written comment only. Submit either by e-mail to roadless@azgfd.gov
or by U.S. mail to:

Arizona Game and Fish Department - WMHB

Attn: Roadless Petition Comments

2221 W. Greenway Road, Phoenix, AZ 85023.

- All comments must be received by **Aug. 31** to ensure adequate consideration prior to developing the State of Arizona's petition.

Focus Your Comments

- Express your support for, or opposition to, existing IRA management with exceptions, and explain why.
- If opposed, which approach do you recommend the Governor should use?
- Are existing exceptions appropriate, too strict, or not protective enough, and why?
- Local issues that should be considered.
- Other issues you feel are important.

Arizona's National Forests

Distinctions between:

- Roadless rule petition.
- Travel management rule.
- Forest plan revision.

Arizona National Forests	Roadless Rule Petition	Travel Mgt. Rule	Forest Plan Revision
Purpose	Determine future direction of inventoried Roadless Areas (IRAs)	Identify motorized travel system for AZ national forests	Update overall management plan for each of 6 AZ national forests
Scope	1.1 million acres IRAs in AZ (Total AZ National Forest System lands: 11,255,000 acres)	6 AZ national forests each identify designated routes and areas for motorized travel	6 AZ national forests each define <ul style="list-style-type: none"> -- suitability -- desired conditions -- strategic level guidance
Timeline	Petition submitted by AZ Gov, Nov 13, 2006, to Secretary of Agriculture	2009	2009/2010
Results	Roadless decision may require amending Forest Plans if Secretary accepts petition	Map of designated routes. Forest Plan may be amended to reflect Travel Mgt. Plan	Revised Forest Plan for each national forest

Additional information is available at:

www.azgfd.gov

or

www.roadless.fs.fed.us

Send your comment by e-mail to:

roadless@azgfd.gov

or by U.S. mail to:

Arizona Game and Fish Department – WMHB

Attn: Roadless Petition Comment

2221. W. Greenway Rd.

Phoenix, AZ 85023

Comment deadline: Aug. 31, 2006